IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1056 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/06/2003 in WP NO.17601 OF 2002 on the file of the High Court.)

Between:

Kakatiya University represented by its Registrar, Warangl.

..... APPELLANT

AND

1) P.Ashok Babu, S/o. Late P.Mallaiah,
2) R.Venkateshwarlu, S/o. R.Laxmipathi,
3) B.Harigovind Singh, S/o. Mohan Singh,
4) R.Srilatha Devi, D/o.R.Vaikuntham,
5) G.Sarala Devi, D/o.G.Kailasam,
6) M.Narasimha Rao, S/o.Satchidanda Rao,
7) P.Sreedhar, S/o.P.Komuraiah,
8) M.Swarna Latha, D/o.M.Soma Chary,
9) K.Shankaraiah, S/o.K.Rajamallu,

10) B.Nethajee, S/o.B.Ramojee,
11) Ch.Pranay Kumar, S/o.Ch.Mondaiah,
12) L.Ramu, S/o.L.Ramaswamy,
13) Government of Andhra Pradesh, represented by its Principal Secretary

to Government, Higher Education Department, Secretariat, Hyderabad.
14) G.Sarangapani, S/o.G.Buchi Ramulu,

15) Mohd.Habeebuddin, S/o.Md.Zainullabuddin,
16) Mrs.N.Kanakamma, D/o.Narayana Swamy,
17) Md.Mustafa, S/o.Naseeruddin,
18) M.Madhava Reddy, S/o. Pulla Reddy,
19) Md.Khasim, S/o.Sarwar,
20) K.Jayapal Reddy, S/o.Damoder Reddy,
21) S.Raju, S/o.S.Yellaiah,
22) S.S.Prasad, S/o. Buchaiah,
23) K.Vindo Rao, S/o.Siddaiah,
24) V.Komuraiah, S/o. Balaiah,
25) G.Rajeshwar Rao, S/o. Agaiah,
26) N.Sunder Rao, S/o. Veera Swamy,
27) N.Ramesh, S/o. Chandraiah,
28) S.Harnath, S/o. Sailu,
29) K.Sampath, S/o. KOmuraiah,

(All respondents 1 to 29 except respondent No.13 are working as Senior Assistants, Kakatiya University, Warangal).

.....RESPONDENTS

Counsel for the Appellant: MR.B.NARAYANA REDDY, Advocate.

For Respondent Nos 1 to 12: MR.SUBBA RAO KORRAPATI, Advocate

For Respondent No.13: G.P for Higher Education.

For Respondents 14 to 29 : Mr.Jogram Tejavath, Advocate.

The Court made the following:

O R D E R : **(Per Hon'ble Sri Justice B.Seshasayana Reddy)**

This Writ Appeal is directed against the judgment dated 12.6.2003 passed in W.P.No.17601/2002 whereby the learned single Judge allowed the writ petition setting aside the orders No.1752/A3/KU/99 dated 9.11.1999 and No.828/A3/KU/2k, dated 22.05.2000 of the appellant.

2. The Appellant herein is the first respondent in the writ petition. Respondents 1 to 12 herein are the petitioners in the said writ petition. They have filed W.P.No.17601/2002 seeking declaration that the orders referred to above are arbitrary, illegal, and contrary to the Rules framed by the Appellant-University.

3. The respondents 1 to 12 and 14 to 29 are the Junior Assistants in Appellant-University. Promotion to the post of Senior Assistant is governed by the Rules framed by the appellant-university. As per the rules, 50% of the promotions are by way of seniority and 50% by way of written test quota. We are only concerned with

the Quota of the Written Test. The university conducted written test in the year 1994 and prepared panel of eligible candidates. The life span of the panel is two years. The respondents 14 to 29 were promoted basing on the panel prepared in the year 1996. Their promotion is after expiry of two years period since the date of preparation of the panel. The panel date expired on 8.12.1996. It has come on record that the appellant-university issued fresh notification for a written test on 10.11.1999. Subsequently, the university postponed the written test until further orders and promoted respondents 14 to 29 herein as Senior Assistants under proceedings dated 9.11.1999 and 22.5.2000. The respondents 1 to 12 herein questioned the promotion of respondents 14 to 29 by filing a writ petition. The learned Single Judge by following the judgment of Supreme Court in **M.P.Electricity Board Vs. Virendra Kumar Sharma** upheld the contention of writ petitioners, and quashed the orders referred to above, whereunder respondents 14 to 29 were promoted as Senior Assistants.

4. Assailing the judgment of the learned single Judge, the appellant-university has filed this writ appeal.

5. It is quite strange to note that the respondents 14 to 29, who are the effected parties, did not chose to file an appeal. The learned counsel for the appellant submits that respondents 14 to 29 are seniors to respondents 1 to 12, and therefore, respondents 1 to 12 cannot have any grievance for the promotion of respondents 14 to 29. We express our inability to accept this contention since the validity of panel in which the names of respondents 14 to 29 were included has expired in the year 1996 itself. Their promotion as Senior Assistants is subsequent to the expiry of the panel period. This issue has been squarely covered by the judgment of the Apex Court in **M.P.Electricity Board Vs. Virendra Kumar Sharma**'s case. In view of the settled position, the promotion of respondents 14 to 29 after expiry of panel period cannot be sustained. Thus, we do not see any flaw in the order passed by the learned single judge.

6. Accordingly, the writ appeal is dismissed at the admission stage. No costs.

SD/- (K.SATYA KUMARI)

DEPUTY REGISTRAR

// TRUE COPY//

SECTION OFFICER

July 14, 2004

Rar/Mrr

To

1) The Prl. Secretary to Government, Higher Education Department,

A.P.Secretariat, Govt. of A.P., Hyderabad.

2) 2 CCs to G.P for Higher Education, High Court Buildings, Hyd.(OUT)

3) 2 CD copies